

## **REMARKS**

### *The Claim Amendments*

Applicants have amended claims 1-10 to improve their form.

None of the amendments to the claims constitutes new matter. Claims 1-10 are now pending in this application.

### *The Election/Restriction Requirement*

The Examiner has required an election of the subject matter in the claims of this application under 35 U.S.C. § 121. The Examiner states that the invention is drawn to thousands of different inhibitors that vary in their structures and functions and has required applicants to elect a **specific inhibitor** to which the elected invention will be examined on the merits as drawn to. Applicants respectfully traverse.

Applicants believe that the restriction of the claims into individual inhibitors is improper. The Examiner states that the claims are drawn to a plethora of inhibitors. This is incorrect. The claims are drawn to a method of treating a degenerative disease in a subject in need thereof, comprising the step of inhibiting  $\gamma$ -GT activity in said subject. Claim 9, which depends from claim 1, recites a group of inhibitors that are useful in the invention. Therefore, restriction of the invention to a single inhibitor eliminates applicants' ability to obtain a generic claim to a method of treating by inhibiting the  $\gamma$ -GT gene. Accordingly, applicants request that

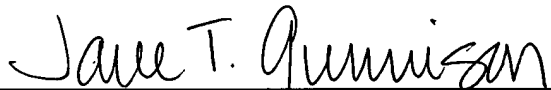
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Response dated December 8, 2004  
Response to Restriction Requirement dated October 8, 2004

the restriction requirement be withdrawn and replaced with a species election. Nonetheless, as required by the Examiner, applicants elect the specific inhibitor AT-125 (Acivicin) and its derivatives, with traverse, for further prosecution in this application. The elected composition AT-125 is drawn to pending claims 1-9.

Applicants make this election expressly without waiver of their right to file for and to obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom.

Applicants request favorable consideration and early allowance of the elected claims.

Respectfully submitted,



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